

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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W.P.No.28080 of 2005

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Date:30.12.2005

N.Savithri.

-----Petitioner

The South Central Railway and others.

-----Respondents

ORDER:

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The husband of the 1st petitioner and father of petitioners 2 to 4, by name Nookaraju, was employed as a Cook in the Indian Railways. He died on 20.10.2003. The petitioners state that his death-cum-retirement benefits were not released, but were kept as security for permitting them to remain in the quarters for some time. The petitioners state that they vacated the quarters on 14.07.2004, despite the same, the respondents have not released the death-cum-retirement benefits.

The learned Standing Counsel takes objection to the maintainability of the writ petition. It is true that the amount claimed by the petitioners is in the form of death-cum-retirement benefits of late Nukaraju. However, the necessity for the petitioners to approach the Central Administrative Tribunal would arise, if only they seek any adjudication thereof or if they seek a declaration as to their entitlement. Their grievance is only as regards the inaction on the part of the respondents in not releasing the undisputed amount.

Hence, the Writ Petition is disposed of, directing the respondents to examine the matter of releasing the death-cum-retirement benefits of late Nukaraju in favour of the petitioners and pass appropriate orders within a period of six (6)

weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

30.12.2005

Note: Issue C.C. in three days.

(B/o)

Jsu